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II. DEPARTMENT OF PHILANTHROPY, CHARITIES AND SOCIAL PROBLEMS

The New York Society for the Prevention of Cruelty to Children was organized in 1874, and at once found itself *alone* in a field of immense opportunity. It became necessary for it to frame laws to cover existing conditions and with a view to the future; to get the good will and approval of legislators and of public authorities, a matter not always easily brought about, as those connected with struggling institutions doing a public work well know; and to assert itself in a manner intended to bring about not only confidence in it, but encouragement in the organization of similar institutions elsewhere. These things it did, with the result that opinions and decisions of the highest courts to-day lend sanction and approval to its efforts on behalf of suffering childhood. The trials through which it passed in its early years, hard to bear as they were, only tended to fit it for the greater work yet to come, and of which not the least indication was then to be had.

There are to-day, in the United States alone, nearly four hundred societies linked together for the prevention of cruelty to children, every one of them organized since the work was begun in New York and all working under laws based upon those of this state. Every important city in Europe has its society and India and Australia are not without representation.

It was the privilege of the New York Society to be sponsor to the first laws of the empire state regulating the hours of child labor; and, that "child labor" represents but 2 per cent. of the working population of the Metropolis is perhaps due more to that early foresight than to any other one thing. It also drafted the legislative enactments separating children under sixteen years of age from adults charged with crime.

The parole or probation system now so generally in vogue had its birth in the old method of suspending sentence upon a child convicted of crime and placing him in the legal custody of a clergyman, a school teacher or other responsible citizen, during good behavior. In a single year hundreds of children were so released, and many of them upon my personal application. The number returned to court for violating the provisions of the terms of their release was proportionate with the number of returns for what is now called "violation of parole." The present method, however, is systematized to an extent that makes it one of the most important branches of the society's work. The writer is the chief probation officer for the boroughs of Manhattan and The Bronx and, as such, has personal direction of the probation work authorized by the justices of the criminal courts within that jurisdiction. The average number of boys and girls on probation is two hundred. These are regularly visited by trained special officers, deputized to act as probation officers, who acquaint themselves with the child, its characteristics, surroundings and

general conditions. The findings in all cases are presented in detail to the courts, with such recommendations or suggestions as each requires.

The recent, though quite natural, spread of probation all over the country and to foreign lands has given rise to the impression that it is an entirely new departure, whereas magistrates and justices of the criminal courts of New York have been releasing girls and boys, convicted of crime, on probation, always explaining that it was during their good behavior, for a period of over twenty years.

The New York Children's Court, technically known as "The Court of Special Sessions of the First Division, Children's Part," was opened September 2, 1902, by the authority of Chapter 590 of the Laws of 1902, and is authorized to try, and dispose of, all cases involving charges against children under sixteen years of age, except those in which the charge is a capital offense, or where the child is taken into custody jointly charged with crime with a person over that age. That law was drafted by one of the most eminent authorities on the bench, the Hon. Joseph M. Deuel, who for many years had studied and written upon the subject of juvenile crime, its causes and effects.

Our Juvenile Court has from the beginning been presided over by a succession of able men, who have lent dignity and distinction to its deliberations. It is the first Children's Court in the country whose hearings are held in a detached building, separate and apart from any other criminal court, and where cases of children *under sixteen years of age* exclusively are heard. There are many reasons why it would be impracticable to install such a court in a separate building in small communities, the chief one being that most of the children's courts outside of New York City hold but one session a week, and that in a court-room used for the hearing of all cases, adult and minor, even on the day set for the "children's court," the latter being held after the others are disposed of. There have been such "children's courts" in New York since 1892, when the legislature of this state passed laws separating children from adults charged with crime, and provided for their examination in criminal courts of inferior jurisdiction only after all persons not directly involved in the case being heard were ordered out of the room. There were seven such courts, one in every court district, and every one had its daily quota of children's cases. Most of the juvenile courts throughout the country to-day are following that erstwhile admirable plan. The necessary atmosphere of an exclusive children's court is thus preserved in exactly the same manner as intended by its incorporation.

The New York Society for the Prevention of Cruelty to Children is represented by officers at every session of the court for the boroughs of Manhattan and The Bronx. Its records are at once accessible to the presiding justice and, in numerous instances, suggest dispositions which, without them, would of necessity have to be deferred several days, pending lengthy investigations.

Every child arrested in old New York for any offense whatever is at once, as required by law, taken to the rooms of the society, if after court hours, and there detained until the next session of the Children's Court, for a hearing. To prevent overcrowding of the society's dormitories, where a

thousand children are sheltered every month, and to provide for the release of children arrested for minor offenses, such as violating corporation ordinances, or the newsboy or child labor law or for disorderly conduct, a law was passed two years ago by which a parent or guardian may sign a "personal recognizance," without giving bail security, for the child's production at the next session of the court. This also prevents the unnecessary and humiliating separation of petty offenders from their homes while judgment is pending. Our court is fortunate in having in daily attendance volunteer workers of the three great religions, who render a moral support of too high a degree to permit of estimate. Their work is one of personal service, and it produces results far more satisfactory, both to the court and to the child, than any mere official decision ever could. These workers form the long-lost link between impartial justice, however merciful it may be, and the offending child. Their work is often done in assisting the chief probation officer, whose volunteer deputies they become on request.

Societies for the prevention of cruelty to children, as such, should not be mere alms-giving organizations. Such charity as they dispense should be given in connection with their work as agents of the law, in the enforcement of the criminal laws under which they operate. The opinion was long held by certain charitable societies that societies for the prevention of cruelty to children were charitable institutions, although authorized to appoint special officers with police powers, and to enforce special laws. The New York Society has had that much mooted question settled, on appeal, by the highest court in the state. The Court of Appeals has decided (*The People of the State of New York ex rel. the State Board of Charities, Respondent, vs. The New York Society for the Prevention of Cruelty to Children*, 161 N. Y. R. 233; 162 N. Y. R. 429) that *societies for the prevention of cruelty to children are sub-governmental agencies, and in reality branches of the courts, the district attorney's office and the police department; that they are "quasi public corporations, authorized for the greater convenience and certainty of accomplishing governmental work."* Their value as aids to the local government is at once apparent, in that they are branches of those various departments, and responsible to each for the work they perform. Such societies in New York State are now incorporated under Article V of the Membership Corporation Law (Laws of 1895, Chapter 559, Sections 70, 71 and 72), which amended Chapter 130, Laws of 1875, under which the first society was incorporated.

Should a society whose investigation of cases involving the social and moral welfare of half a million of children do anything more than state the facts to justify its existence?

Some two hundred thousand case records are on file in the vaults of the parent society, and its books show seventy thousand convictions for offenses against children. The society collects the evidence and prepares the "Brief for the People" in every criminal prosecution instituted by it, and has yet to be questioned by the chief prosecuting attorney of the county, whose deputies prosecute offenders against children on the society's Brief, relying entirely upon its investigations by expert officers. The number of convictions is the

justification of such a course. And in addition to prosecuting hundreds of criminals, its rooms shelter and it feeds and clothes ten thousand children a year. One hundred thousand children have been rescued and placed in homes away from improper influences. Men and women of standing not infrequently acknowledge that their respectability is due entirely to their early removal by the society from degrading environment.

The sub-joined table shows something of the growth of the work:

Year.	Cases investigated.	Homes found.	Prosecutions in cases of criminal assault, unnatural offenses and abduction.	Prosecution of all offenses.	Convictions of all offenses.	Penalties imposed, terms of imprisonment.	Children involved.	Adults involved.
1875	300	72	...	197	.....	.....	.....	.....
1880	1,577	855	...	604	569	.....	.....	.....
1885	4,638	2,979	...	1,790	1,729	.....	.....	.....
1890	7,477	3,336	...	2,590	2,553	.....	.....	.....
1895	8,523	5,350	109	3,301	3,249	147 yrs.	13,108	5,695
1900	9,146	6,092	163	2,060	1,875	163 yrs.	26,460	25,822
1905*	15,000	10,000	200	9,000	7,500	416 yrs.	45,000	35,000

* Estimated.

The organization of the first society was due to the accidental discovery, in 1874, of a case of atrocious cruelty to a young orphan girl. Her rescue brought about a revolution in the "humane" laws of the world. A generation of this work, with its marvelous growth to every corner of the globe, and the result of its efforts for children, make one wonder, not so much at the late date of its beginning, as at what the future may have in store for it, for any work but a generation old cannot be said to be more than well begun.¹

The National Conference of Charities and Corrections, which was held at Portland, Ore., in July, was made notable by the discussion of three topics which had hitherto received comparatively little attention from the Conference, namely, the warfare against tuberculosis, immigration and the broad treatment of medical charities, from the administrative standpoint. Dr. E. T. Devine, who was chairman of the Committee on Tuberculosis, asserted that from the national standpoint, comparatively little is being done for advanced cases, and that practically nothing has been done for tuberculosis children, except to show by modest experiment, the marvelous results which can be obtained if suitable sanatoria are established. He called attention to the failure to segregate and specially treat consumptives in hospitals for the insane, in prisons, almshouses, reformatories and other institutions. Emphasis was laid upon the importance of providing special liberal diet in caring for consumptives in their own homes, as a substitute for the sanitarium. Dr. Woods Hutchinson, of Portland, who advocated the open-air sanitarium, declared that

¹ Contributed by E. Fellows Jenkins, Secretary and Superintendent, New York Society for Prevention of Cruelty to Children.

the tent is the ideal shelter, because it gives the maximum of fresh air with a minimum of expense.

Medical charities were discussed under the direction of the committee on the care of the sick, of which Nathan Bijur, of New York, was chairman. His paper on the "Ambulance System of the United States," is very comprehensive. In this section of the Conference, a notable paper was read by Dr. Walter Lindley, of Los Angeles, on the care of the sick in hospitals and in their homes, in which a plea was made for the establishment of hospitals for the independent, self-respecting working people, who can afford to pay a dollar a day for their care, and who do not want to be objects of charity.

Considerable friction developed between the East and the West, in the discussion of the immigration question. The Eastern men took the broad ground that there should be no check to the admission of healthy non-criminal persons from any civilized country, but that steps must be taken to provide for their distribution over a wider area, and that the difficulties of keeping out the unhealthy, the pauper and the criminal classes, are not inherent, but can be regulated by proper administration. To the surprise of the Conference, the secretary of the Californian State Board of Charities, insisted that there was an abundance of laborers in the West, particularly on the Pacific coast, and that the only class which the Pacific States are disposed to welcome, is the class of settlers with means, who can themselves employ labor and develop the land. The author of this account of the Conference, speaking from the standpoint of actual knowledge and experience of farming conditions in California, Oregon and Washington, challenged this statement, and offered testimony in contradiction.

Perhaps the most popular section was that on juvenile courts, which was in charge of Judge Ben. B. Lindsey, of Denver. The movement is still sufficiently new to be interesting, and much enthusiasm was aroused locally by the presentation of the subject by such men as Judge Lindsey, Judge J. W. Mack, of Chicago, and Judge Willis Brown, of Salt Lake. So far the Conference has limited its discussion of this topic and that of probation, to the methods which have been adopted in cities. The men who have done such good work in this connection, do not seem to have faced the problem of how to handle delinquent children in the rural districts. At any rate, no attempt was made to deal with this most important phase of the subject.

The 1906 Conference will be held in Philadelphia in May, under the presidency of Dr. E. T. Devine, and it is expected that the attendance will be large and thoroughly representative, and that it will mark a distinct step in advance in the scientific discussion of all forms of social welfare work.²

Crippled Children's Driving Fund.—This year has seen in New York the establishment of a Crippled Children's Driving Fund, which has for its object the giving to crippled and convalescent children, from hospitals and tenement homes, weekly rides to Central Park. Large four-seated carriages are used and the parties begun April 1st will continue in increasing numbers to November 1st. For the purpose of organizing these parties, the children are visited in their homes and a brief record is made of each child's disease; its cause,

² Contributed by Mr. Hugh F. Fox.

duration and treatment; names of parents and their nationality; number of rooms, their condition and the number of adults and children occupying them. An effort also is made to ascertain where and with how many persons the crippled member of the family sleeps. In some instances, mothers state with great pride that the child sleeps alone, and in the "front room"—which means that the gospel of fresh air preached by the Board of Health, dispensary physician, visiting nurse, relief visitor and the daily paper is beginning to be appreciated. It is a lamentable fact that so few hospitals have yet applied the fresh air treatment which many of their physicians recommend.

Proper housing conditions and cleanliness in the homes will reduce to a minimum the crippling disease. It is one of the offices of the Crippled Children's Driving Fund in its friendly relation with families where there may be one, two or three crippled children to trace with the mother the origin of her child's disease; show her how she can help to arrest it, and prevent similar suffering for other members of her family. With the co-operation of hospitals, dispensaries, schools, settlements, churches and relief societies a complete census of crippled children in New York will be made by the Crippled Children's Driving Fund which will then be prepared to add to its office of *prevention*, one of *arresting* and *curing*. Records will contain sufficient data to show the amount of provision necessary for proper treatment of the disease of a vast majority of the crippled children (tuberculosis of the bones) the most effective treatment being that of salt air, as proved at the seaside sanatoria of Italy, France and Germany and at the one established at Coney Island, in 1904, by the New York Association for Improving the Condition of the Poor.

The directors of the Driving Fund are confident that if the crippled children are taught thoroughly by their weekly pleasure drives the medicinal effect of the air, they will create a demand for fresh air in their hospitals and homes that cannot be ignored.³

London's Unemployed.—The agitation in regard to London's unemployed is going vigorously on. The Prime Minister is receiving frequent letters asking for information in regard to the Royal Commission which it is proposed to appoint to inquire into the subject, and when it is to be appointed. English people are greatly incensed at the Royal Commissioners not having been appointed as yet, and Mr. Balfour promises that it will be shortly done. Major Coates, M. P., says that the question is growing and is of constantly increasing importance and one that is difficult and perplexing. The poor classes of Englishmen do not want charity, they want employment for their labor, which is their only asset. This asset is a national one, and leading men of all classes, creeds and political opinions appear to be uniting in endeavoring to solve this question. "What we really want is an improvement in trade and then employment would be more diffused."

The English Housing Problem.—That the English people are thoroughly aroused to the housing problem is demonstrated by the number of articles that are found in the journals of London. A most interesting meeting on this subject has been held at Letchworth, where the rural housing problem was

³ Contributed by Edna Gilbert Mecker, Superintendent.

discussed by two hundred delegates from fifty rural district councils who had travelled to the city from all parts of England. Twenty-eight counties were represented. The object of the meeting was clearly stated by the chairman, Mr. Alderman W. Thompson, of Richmond, Surrey, who stated that the founders of the exhibition of cheap cottages demonstrated that it was possible in the rural districts to erect cottages at a much less cost than those which had been put up as model cottages by large landowners. The cost of cottages built by the large landowners was \$1,000 to \$1,500 apiece, but the very cheapest, those that were erected in Norfolk, cost \$1,600 a pair. It was clearly brought out that the cost of a number of cottages which had been built was \$750 and they clearly demonstrated the possibility of erecting cottages with three good bedrooms and two living rooms and all the necessary and in some cases luxurious fittings for under \$1,000. In stating this sum the chairman said that it did not include any profit for the builders nor the architects' fees nor a bath, nor the fencing. To cover this an extra 25 per cent. would have to be added to the price.

Mr. R. Winfrey, of Lincolnshire, stated that in that county they had made very material progress in the direction of getting men "back to the land." They had put two hundred tenants on one thousand acres of land, but the great difficulty was to find suitable houses. Many men were bringing up large families with only two bedrooms, under conditions which did not allow of common decency. He also stated that he knew of a number of young men who were desirous of marrying, but were debarred on account of not being able to get houses. It was clearly brought out by Miss Constance Cochrane, of the Housing and Sanitation Association, that it was important to ascertain from the agricultural laborers themselves what would be acceptable to them, what they wanted for a cottage. She said she had personally canvassed the views of fifty families in seven villages. Out of the fifty interviewed, forty-seven families asked that the cottages might have three bedrooms. They clamored for these above everything else. Very few expressed a desire for a bath, saying they were perfectly satisfied with the tub. Everyone wanted chimneys that did not smoke.

Mr. W. F. Craies, secretary to the Mansion House Council on Dwellings of the Poor, said that in his opinion many of the cottages that had been built were more suited to a week end tenant than to an agricultural laborer. He agreed with the last speaker that it would be wise to have a gathering of agricultural laborers in each county and to hear their personal views on the cottages that they desire. He said that there was great danger in districts near large towns of laborers being sacrificed to the week end tenant.

A delegate from Chipperfield, Hertfordshire district council, declared that in his village there was not one cottage with three bedrooms.

The chairman said that in presenting a resolution emphasizing the desirability of rural district councils, vigorously using the power they already possessed under the housing act, we were not to lose sight of the fact that councils would never get proper laws in force until they did their duty as builders of houses themselves.

The International Prison Conference at Buda-Pesth, Hungary, opened on the 3d of September, and twenty-three countries were represented by commissioners and delegates: America, Austria, Bade, Bavaria, Belgium, Bulgaria, Cuba, France, Great Britain and Ireland, Greece, Hungary, Japan, Italy, Mexico, Norway, Pays-Bas, Roumania, Russia, Finland, Saxe, Serbia, Suede, Switzerland. There were ten delegates from the United States present. The first meeting was held in the Salle d'honneur du Palais de l'Academie des Sciences.

His Imperial Highness, the Royal Archduke Joseph, received the credentials of the delegates, and welcomed the Conference in the name of the King of Hungary (Emperor of Austria). His Excellency, M. B. Lanyi, Minister of Justice of Hungary, presided over the Conference. A reception was given in the Castle of Archduke Joseph on the evening of September 3d, and the delegates were treated in the most cordial manner by Prince Joseph and the Hungarian Ministers.

On the morning of September 4th the secretary read the names of the vice-presidents and under secretaries. Dr. Louis Gruber, of Buda-Pesth, was made secretary. The various reports that had been made to the congress were summarized by M. Bela de Balas as follows:

I. The moral classification of prisoners is necessary.

II. The first class should contain the worst offenders, those recognized as such from the time of their arrival at the penitentiary or during their detention.

III. A special class should be organized for youthful offenders not absolutely bad. It should be incumbent upon all the authorities who come into contact with the prisoners to give a faithful account of them. The character of the condemned person should always be a matter of special study during the time of their incarceration.

IV. The remainder of the prisoners should be divided into three divisions as follows:

(a) Those whose conduct is exemplary.

(b) Those whose conduct is good.

(c) Those whose conduct is doubtful.

Although the treatment of prisoners should always tend to their improvement, the means used must differ in accordance with the requirements of each class. The *régime* should be more severe for the worst cases, while the patronage, extended to the others, more especially to the young offenders, should be of such a nature as to stand them in good stead at the time of their release.

After a long and animated discussion, the conclusions as presented were adopted, and made part of the proceedings.

A meeting of the third section, of which Mr. Samuel Barrows was president, discussed the following questions, which had been presented by Dr. Kuthy, co-reporter:

I. The principles of construction and installation of a modern establishment should be exactly formulated by a commission of experts appointed thereto by the International Congress.

II. A committee elected by the members of the congress should be entrusted with the careful regulation of all the hygienic measures taken by the penitentiary establishments.

III. A modern penitentiary establishment should be provided with a special division for temporary isolation, and with good accommodation for the sick.

This resolution was adopted unanimously, and Mr. Roger Troussel, as reporter of the section, was asked to lay it before the congress.

The following resolutions were introduced by M. E. de Barlogh, discussed at a general meeting, and adopted:

I. (a) The congress is of opinion that the destitute and deserted children of prisoners, should in the first place be the charge of the benevolent societies, and only in the second place of the community, the district, the department or any other administrative authority.

(b) Nevertheless it is the duty of the state to look after all the indigent and morally neglected children of prisoners, whenever the authorities know that the benevolent societies have not taken charge of them, or do not take proper measures to counteract their moral degradation; or if the community, the district, the department or any other administrative society do not properly discharge their duty; in short, if it appears from the reports made to the state authorities, that such children cannot be adequately provided for by private institutions or societies.

A proposition offered by Mr. Dreyfuss and seconded by the co-reporter was adopted to the effect that:

When there are no blood relations it is the duty of the state to protect and to educate the destitute children of prisoners, with the concurrence of the local administrations and the assistance of private persons and charitable societies.

Several public lectures were given between the sessions of the sections upon the following subjects: Juvenile Criminals, The Present State of Prison Discipline, The Mathematical and Statistical Bases of Criminality, and The Struggle Against the Criminality of Juvenile Delinquents in the United States of America, by Hon. Samuel Barrows, commissioner for the United States. The lecture delivered by M. de Wlassic gave an account of the progress which had been made in Hungary in the management of its penal institutions.

M. A. Urbye, procuror general, etc., at the University of Christiania, gave a lecture upon the Norwegian penal systems.

Question I considered by Section II of the Conference was: "What are the best means for effecting a moral classification of prisoners and what may be the consequences of such classification?" The following report on this question was made by Dr. Curti, director of the penitentiary at Regensburg, Zurich:

"The best way to arrive at an exact and moral classification of prisoners, would be by a system of rational and progressive education. Such a system should reckon with human nature with all its weakness. It should take account of the individuality of the accused, and work without prejudice on the broad principles of justice and impartiality.

"The fundamental principle of moral elevation and judicious classification is intimately connected with the principle of separate confinement. Every condemned person should, at the commencement of his term of penance, be kept isolated, day and night, and should be allowed no intercourse whatever with his fellow prisoners. He should be left to his own reflections and the remorse of his conscience; the silence of the cell, for this isolation will induce him to consider the consequences of his offence. This process of reflection should not be interrupted by any occupation of a distracting nature. Only the functionaries of the establishment, and more particularly the director and the chaplain are called upon, in this first stage, to exercise a mediatory and corrective influence upon the prisoner. They should endeavor to calm the storm that rages within him, evoke in him an exact understanding of the position in which he is placed in consequence of his crime, and provoke in him good and holy resolutions. Good and salutary literature will have a beneficial influence upon him. Correspondence between him and his relations might also be permitted on condition that this be carefully controlled.

"For young criminals school attendance would be profitable. For all, young and old, the attendance at public worship should be made obligatory, and the services should include music. There might well be special practice in singing. On Sunday afternoons the prisoners might be suitably entertained and instructed by conversations and lectures on history and geography.

"The duration of this first stage of the term of punishment should be sufficiently long for a real, sincere and lasting change for the better to take place in the condemned person. When the staff in charge of the establishment has become convinced that such is the case, the prisoner should be moved into a higher class, or rather into a second stage. He might then be allowed a few more privileges. The solitary confinement might be limited to the night only; in the day time the prisoner might be permitted to work in company with his fellows; the work assigned to him should also serve to develop his intellect. It should always be of such a nature as to render him capable, through the knowledge and skill thus obtained, of earning an honest living when he leaves the house of detention. Correspondence with relatives and also the visits he is entitled to receive, might also then be more frequent. His pay should also be increased, and he should be encouraged to use it to procure useful books, drawing materials, or to devote it wholly or partially to relieve the need of those belonging to him. From this second class might be recruited those appointed to undertake the housework of the establishment, and in whom therefore a certain amount of confidence must be placed. To the prisoners in this class might also be entrusted the work of the farm and dairy, and of the field and the kitchen-garden. They might also be allowed to adorn their cells with photographs of relations, flowers, or to keep a singing bird.

"The favors extended to the prisoners of the second class are increased for those in the third class. They are entitled to see their friends once a month and to receive letters once in four weeks. Their pay is also increased, but can never be used in any of these classes, to procure for themselves extra food and drink. Tobacco and snuff are always strictly prohibited.

"The fourth class, the highest, constitutes a kind of conditional liberty. This can only be granted to the non-habituals or to those who by rising from one class into another, have never given cause for complaint; who have proved that their conversion is serious and that they may safely be allowed a conditional liberty, previous to being restored to society."

Dr. Curti summarizes his report as follows:

"1. The best means for organizing an exact and moral classification of prisoners, is a system of rational and progressive education.

"2. The practical outcome of such classification would be: (a) for the first stage, solitary confinement day and night; (b) for the second stage, work in common, and solitary confinement at night; (c) third stage, as a transition towards complete liberty, conditional liberty."

Question II discussed by Section II of the congress was: "Can labor be enforced upon prisoners whose sentence on former occasions was merely privation of liberty? If labor cannot be so enforced, should not the deduction of preventive detention from the term of penal service be made subject to a voluntary acceptance of labor during detention?" This question was reported upon as follows by M. Jules Veillier, director of the House of Correction at Fresnes, Seine:

"Every one is agreed, in theory at least, that deprivation of liberty can only be imposed upon prisoners, whether accused or awaiting their trial. The tendency of the present day is even in favor of not imprisoning those awaiting their trial, except in cases of absolute necessity. We should therefore endeavor to give our prisoners every advantage compatible with their condition, and surround them with all such comforts as do not actually interfere with the order and safety of the institution. Thus in France, prisoners are allowed to have their meals brought to them from outside, to have better bedding and even a separate room; all of course at their own expense. They may wear their own clothes and retain their beard and hair; they may correspond every day with their friends and their solicitors upon all subjects; receive frequent visits and devote to the preparation of their defence all the time they deem necessary.

"But can labor, although bearing a penal character, be looked upon as a serious aggravation? I think not. From the prisoner's point of view it is, I believe the only means to beguile the weariness and the anxiety of the days of suspense. Modern society does not admit of idleness, and where the administration of the prison systematically arranges the prison labor and directs the minds of the prisoners to recognize the benefit of work, they seldom find much difficulty in making the prisoners work with good will. I speak from long experience, and can honestly say, apart from some very serious and complicated cases, where all the attention of the prisoner is absorbed in his defense, they are glad of work and apply themselves assiduously to it.

"Exceptions to this rule are generally due to the fact that in many houses of detention the industries practised are not remunerative, bring dust and dirt with them and wear out the clothes. The prisoners object to this as it makes them unpresentable to receive their friends and their legal advisers.

"These objections deserve careful consideration, and rather favor the

idea of leaving things as they are now, that is to say that the prisoner in preventive detention is at liberty to accept or to refuse the work offered to him. Moreover, it will always be difficult in the case of preventive detentions, which are generally of comparatively short duration, to organize a suitable system of labor adaptable to all the requirements. Nevertheless the liberty of refusing to work should, I think, be limited. The fact of being imprisoned, may be innocently, should not necessarily prevent a man from earning his living. No one has a right to neglect the material things of life, or to fail to obtain them honestly. Therefore the prisoner should be compelled to work, or if financially independent, should be required to pay into the treasury such portion of the profits of which the prison is deprived through his idleness. Such profits are very small, representing only a few pence per day, yet in most cases the prisoner would be led to accept the work offered him. In order to guard the absolute liberty of the prisoners with regard to the interests of their defence, a release from paying these small obligations could always be given those who are without means and who are considered justified in spending all their time in the preparation of their defence. I think we must not stretch the point any further or admit that in sanctioning non-submission to the rule of labor, we can refuse to deduct the preventive detention from the term of penal service. Nor do I think that we ought to make a distinction between individuals with criminal records and those who are charged for the first time, chiefly for this reason. To my knowledge the prisoner who has already previously been brought to justice, almost always asks for work directly he enters the prison."

The report was summarized as follows:

"1. For the purpose of being entirely at liberty to prepare their defence, labor should not be enforced upon prisoners whether previously condemned or not.

"In any case, as the obligation to provide for himself devolves upon prisoners, even if reputed innocent, in the same degree as upon all citizens, they must support themselves or pay into the treasury that portion of the profit of the work which is due to it in accordance with the penitentiary regulations.

"In certain exceptional cases, indigent persons who are considered justified in spending all their time in the preparation of their defence, can be relieved from this obligation by special decision of the authorities."